



COUNTY OF LOS ANGELES
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RAYMOND G. FORTNER, JR.
County Counsel

January 22, 2009

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RE: **Raymond Davison, et al. v. County of Los Angeles, et al.**
United States District Court Case No. CV 08-0654

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and Corrective Action Report.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Report be placed on the Board of Supervisor's agenda for February 3, 2009.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Raymond Davison v. County of Los Angeles, et al., United States District Court Case No. CV 08-0654, in the amount of \$195,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff Department Contract Cities Trust Fund's budget.

This lawsuit concern allegations of false arrest and excessive force by Sheriff's Department.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Raymond Davison, et al. vs. County of Los Angeles
CASE NUMBER	CV 08-0654
COURT	United States District Court
DATE FILED	1-31-2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$195,000
ATTORNEY FOR PLAINTIFF	Jeffrey Korn, Esquire
COUNTY COUNSEL ATTORNEY	Adrian G. Gragas
NATURE OF CASE	<p>The four plaintiffs allege their federal civil rights were violated when they were unlawfully arrested by Sheriff's Deputies for interfering with a peace officer in the performance of his duties. One of the plaintiffs additionally alleges that he was subjected to the use of excessive force when one of the Deputies sprayed him in the face with pepper spray.</p> <p>The Deputies claim that they had probable cause for each of the arrests and the use of force was reasonable.</p> <p>Due to the risks and uncertainties of litigation, and in light of the fact that a prevailing plaintiff in a federal civil rights lawsuit is entitled to an award of reasonable attorneys' fees, a full and final settlement of the case in the amount of \$195,000 is recommended.</p>
PAID ATTORNEY FEES, TO DATE	\$61,415.75
PAID COSTS, TO DATE	\$446.80



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	<p><u>Raymond Davison, et al. v. County of Los Angeles, et al.</u> (Summary Corrective Action Plan #2008-020)</p> <p>Tuesday, July 17, 2007; 1:30 p.m.</p>
Briefly provide a description of the incident/event:	<p>Uniformed Los Angeles County sheriff's deputies assigned to Lancaster Station drove to the intersection of 10th Street East and Avenue K, Lancaster, in response to a radio call of a man with a gun.</p> <p>With the deputies pointing their duty weapons directly at the man described in the radio call, a number of disinterested individuals began to assemble directly in the sheriff's deputies' line of fire.</p> <p>After the man was safely taken into custody, one of the bystanders (Plaintiff Barnes), walked away from the scene. Sheriff's deputies told Mr. Barnes to stop, however, he did not comply and entered a nearby barber shop. Sheriff's deputies followed Mr. Barnes into the barber shop and arrested him for interfering with a peace officer. Another man, (Plaintiff K. Davison), who was also in the barber shop, interfered with the deputies' arrest of Mr. Barnes and was also arrested for interfering with a peace officer.</p> <p>As the deputies were leaving the barber shop, they were confronted by a third man (Plaintiff R. Davison, father of K. Davison) who was questioning the deputies about the arrest of his son. During the subsequent conversation, one of the deputies sprayed Mr. R. Davison with Oleoresin Capsicum (pepper spray) and arrested him for interfering with a peace officer. A fourth man (Plaintiff Carger), who was also in the barber shop, refused the deputies' orders to cease his aggressive behavior and was also arrested for interfering with a peace officer.</p>

1. Briefly describe the root cause of the claim/lawsuit:

All four individuals (plaintiffs) allege they were unlawfully detained and arrested by Los Angeles County sheriff's deputies. One individual (R. Davison) also alleges sheriff's deputies used excessive force to effect his arrest (deployment of Oleoresin Capsicum spray).

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

This is a case of probable liability.

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

This incident was thoroughly investigated by representatives of the Los Angeles County Sheriff's Department's Internal Affairs Bureau. The Department's formal administrative review revealed employee misconduct on the part of Los Angeles County Sheriff's Department personnel. Appropriate administrative action was taken.

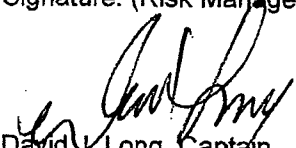
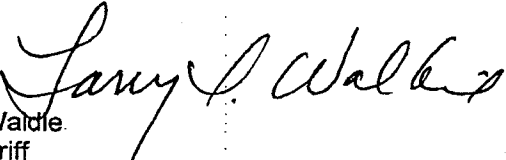
A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which would likely exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$195,000.

This summary corrective action plan has no countywide implications (refer to #3 below).

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☐ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)  David V. Long, Captain Risk Management Bureau	Date: 1-14-09
Signature: (Department Head)  Larry L. Waidie Undersheriff	Date: 1-20-09

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
RISK MANAGEMENT BUREAU

CORRECTIVE ACTION REPORT

Corrective Action Plan (CAP) Number: 2008-020CR

Lawsuit:

Name: **Raymond Davison, et al. v. County of Los Angeles, et al.**
Case/Docket Number: (United States District Court Case Number CV08-0654)

Investigator: Christopher M. Deacon, Deputy
Risk Management Bureau
Leadership and Training Division

Incident:

Date/Time: Tuesday, July 17, 2007; 1:30 p.m.

Location: 832 East Avenue K
Lancaster
(Contract city)

Station, Bureau, or Facility: Lancaster Station
(Field Operations Region I)

Risk Issue(s):

The arrest of an individual without probable cause, or using more force than is reasonably necessary to effect an arrest, is a violation of an individual's Fourth Amendment right guaranteed by the United States Constitution.

Investigative Summary:

On Tuesday, July 17, 2007, at approximately 1:30 p.m., uniformed Los Angeles County sheriff's deputies assigned to Lancaster Station drove to the intersection of 10th Street East and Avenue K, Lancaster, in response to a radio call of a man with a gun. When they arrived, they saw the man described in the radio call and ordered him to stop. While in the process of detaining the man, a number of disinterested individuals began to congregate in the area.

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With the deputies pointing their duty weapons directly at the man, some of the bystanders began to assemble directly in the sheriff's deputies' line of fire. Although the deputies told those assembled that they were in danger and to leave the area, some of the bystanders ignored the deputies' directions and a few even came closer.

After the man was safely taken into custody, one of the bystanders (Plaintiff Barnes), walked away from the scene. Sheriff's deputies told Mr. Barnes to stop, however, he did not comply and entered a nearby barber shop. Sheriff's deputies followed Mr. Barnes into the barber shop and arrested him for interfering with a peace officer. Another man, (Plaintiff K. Davison), who was also in the barber shop, interfered with the deputies' arrest of Mr. Barnes and, he too, was arrested for interfering with a peace officer.

As the deputies were leaving the barber shop, they were confronted by a third man (Plaintiff R. Davison, father of K. Davison) who was questioning the deputies about the arrest of his son. During the subsequent conversation, one of the deputies sprayed Mr. R. Davison with Oleoresin Capsicum (pepper spray) and arrested him for interfering with a peace officer. A fourth man (Plaintiff Carger), who was also in the barber shop, refused the deputies' orders to cease his aggressive behavior and was arrested for interfering with a peace officer.

Damages:

All four plaintiffs allege they were unlawfully detained and arrested by Los Angeles County sheriff's deputies. It is also alleged sheriff's deputies used excessive force to effect the arrest of Mr. R. Davison (deployment of Oleoresin Capsicum spray).

Risk Review/Analysis:

Was a formal Risk Management Bureau (RMB) Critical Incident Analysis (CIA) conducted?	Yes
Will a formal Risk Management Bureau audit be required?	No
If yes, what is the date the audit will be performed?	N/A
Name of person/unit performing audit?	N/A

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Policy Issues:

The Los Angeles County Sheriff's Department had adequate policies and procedures in effect at the time of the incident.

Training/Curriculum Issues:

The Los Angeles County Sheriff's Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

Evaluation:

This is a case of probable liability.

There is a video which depicts the deputy's deployment of Oleoresin Capsicum spray and subsequent arrest of Mr. K. Davison. This piece of evidence would likely have a significant emotional impact on a jury.

A full and final settlement at this time will avoid further litigation costs and a potential verdict which would likely exceed the recommended settlement amount.

Corrective Action:

Was a formal administrative review of the incident initiated? Yes

The Los Angeles County Sheriff's Department's formal administrative review revealed employee misconduct on the part of Los Angeles County Sheriff's Department personnel.

Was appropriate administrative action taken? Yes

Was the employee's driving history analyzed during the administrative review? N/A

Will this corrective action plan require notification to, or the assistance from, other County Departments? No

If yes, what is the name, title, and organization of the person contacted? N/A

How/when was the person contacted? N/A

Settlement Amount: \$195,000.00

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Prepared: Patrick Hunter, Lieutenant *PH*
Risk Management Bureau

Submitted: David J. Long, Captain *DL*
Risk Management Bureau

Reviewed: Eric B. Smith, Commander *EB*
Leadership and Training Division

Approved: Roberta A. Abner, Chief *RAB*
Leadership and Training Division

Authorized: Larry L. Waldie, Undersheriff

Signature: *Larry L. Waldie*

Date: 01-20-09